

REMARKS/ARGUMENTS

Claims 3-4, 6-9 and 12-19 are pending in this application.

Claims 3-4, 6-7, 12-15 and 18-19 have been rejected under 35 U.S.C. 102(e) as being anticipated by newly cited U.S. Patent Application No. 2006/0014507 (Giancola et al). Claims 8 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Giancola in view of Zamat (U.S. Patent No. 6,314,278). Claims 9 and 17 have been finally rejected under 35 U.S.C. 103(a) as being unpatentable over Giancola in view of Mutojo (U.S. Patent Application No. 20040151264). These rejections are respectfully traversed.

Independent claims 3 and 12 are directed to providing gain adjustment based upon a calculated number of calculated samples within groups of samples. Claim 3 defines:

determining, from said first plurality of samples, a first number of said first samples which exceed a saturation criteria ;

processing a second plurality of samples of the data signal received in the selected timeslot of the current time frame that are processed with a gain factor adjusted based, at least in part, upon said first number;

determining, from said second plurality of samples, a second number of said second samples which exceed the saturation criteria; and

processing a third plurality of samples of the data signal received in the selected timeslot of the current time frame that are processed with a gain factor adjusted based, at least in part, upon said second number.

Claim 12 defines:

a saturation detection circuit configured to process samples from the gain control in selected groups to determine a number of samples within a group which exceed a saturation criteria;

a gain control adjustment circuit operatively associated with said gain control and said saturation detection circuit to adjust the gain factor applied by the gain control based in part on group saturation numbers determined by the saturation detection circuit ...

Giancola does not teach or suggest the claimed 'saturation detection circuit' or the claimed method of generating relative saturation numbers of with respect to groups of samples which are used for gain control adjustment. The Giancola saturation circuit simply counts the number of chips that are saturated over an update period and the number of chips is compared to a threshold (Giancola, Paragraph 0019) to make an overall saturation determination, not a relative degree of saturation as defined by the claims 3 and 12. The Giancola saturation circuit produces a binary output indicating saturation or the lack thereof, with "one" indicating saturation. If the threshold is exceeded then the saturation circuit sends a "one" signal to a low pass filter (LPF) to immediately reduce the gain by at least two steps. See, Giancola, Paragraphs [0022]-[0025]. Accordingly, independent claims 3 and 12 patentably define over Giancola.

The remaining claims depend from either claim 3 or claim 12 and accordingly patentably define over Giancola for the reasons set forth above. Thus all of the rejections based upon Giancola should be withdrawn.

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If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application, including claims 3-4, 6-9 and 12-19, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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